

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
GRISELDA BIELINSKI and MARIO PARDO,

Plaintiffs,

- against -

HOTEL PIERRE,

Defendant.
----- X

07 Civ. 11636 (SS)(JCF)

DECLARATION OF MARIO
PARDO IN OPPOSITION
TO MOTION FOR
SUMMARY JUDGMENT

Mario Pardo declares, under penalty of perjury, as follows:

1. I am one of the plaintiffs in this action.
2. It is my belief, based on more than 20 years of work as a Banquet Server at the Hotel Pierre, that Banquet Captains are part of management. They supervise servers, set the hours of servers, determine the work assignments of servers, and critique the work of servers.
3. Jay Laut did not become a full-time employee of the Pierre until 2005, when he became an “A List” waiter. All of his previous work was part-time, sporadic work as a relief, or part-time waiter, working off of what is known as the “B List.”
4. Jay Laut announced his appointment to the Banquet Captain position on March 17, 2007, before I received my second interview for the position. I complained around March 19, 2007 in writing (Exhibit F) and in person. Nevertheless, on March 21, Mr. Laut was given a Captain’s tuxedo, put on the Captains’ schedule, and worked as a Captain.
5. In the February Development Reviews (see Exhibits I – K), my ratings from my supervisors for my work actually done was better than the ratings received by Mr. Laut.

Dated: New York, New York
September 8, 2008

A handwritten signature in black ink, reading "Mario Pardo." with a period at the end. The signature is written in a cursive style.

Mario Pardo

EXHIBIT F

EXHIBIT

Piffz' 5

4-29-88 TI

March 2007

/s/ HEIKO KEUNSTLE

GENERAL MANAGER, PIERRE HOTEL

MS. IVONE MANCINI

DIRECTOR HUMAN RESOURCE

FROM:-

ALL BANQUET EMPLOYEE'S IS VERY UPSET & FELT
DISCRIMINATED, ABOUT THE UNFAIR DECISION FOR THE
PROMOTION & →

BECAUSE THERE IS EMPLOYEE'S WITH 21 YEARS ~~LOVE~~
WITH LOYAL SERVICE, GOOD RECORD, NIGHTS & DAYS,
MORETIME HERE, THAN THERE FAMILY'S ALSO WITH
THOSE ANNUAL SURVEY. YEARS AFTER YEARS / WITH
VARIOUS DEPARTMENT HEADS (WHAT THAT SUPPOSE TO
MEANS A 3 YEARS EMPLOYEE'S V/S 21 YEARS SERVICE
BECAUSE OF AGE, RACE, BACKGROUND OR LOOKS,
MUST BE SOME-SHORT DISCRIMINATION!

2) FURTHERMORE! THE EXISTING CAPTAINS "WHO IS SO CALL SHORSTEWART"
IS DECIDING (WITH WHO, THEY WANT TO WORK WITH
BECAUSE HE HAVE CONNECTION WITH EXECUTIVE BOARD
IN UNION ^{OFFICE} ~~HALL~~, TO GAIN POWER & BACK-UP, BY IMPOSING
WHO SHOULD BE PROMOTED FOR THE POSITION, BECAUSE
OF DELEGATE OR EX DELEGATE, WHICH HAVE NO BEARING,
BECAUSE ARE CHANGES EVERY YEAR, ON DELEGATES -

WHICH REFLECT STRONGLY ON MANAGEMENT IS GIVING
PREFERENCE BY CREATING A CONFLICT OF INTEREST.

3/ WITH HIGH RESPECT TO OUR G.M. AND HUMAN RESOURCE DEPARTMENT

D0244

WE ASK TO RE-CONSIDER (ALSO IN THE PAST BEFORE, WITH
FOUR SEASONS, THE SAME CAPTAINS PULL THE TRICK, WE ARE A
TAJ FAMILY, WE ALL WANT TO BE TREATED FAIR.

Sir,

WE THANK YOU. — WE DO NOT WANT TO MEET THE
COMMISSION OFFICE FOR JUSTICE!

Respectfully Yours,

EXHIBIT I



ENTERED

The Pierre
New York

A Taj Hotel

EMPLOYEE DEVELOPMENT REVIEW

NAME: Griselda Bielinski

SIGNATURE: *Griselda Bielinski*

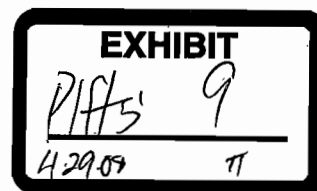
REVIEWING MANAGER: Christopher Edmonds

SIGNATURE: *Christopher Edmonds*

DIVISION HEAD: Gerard Madani *Gerard Madani*

DATE OF REVIEW: 2/13/07

TIME IN THIS POSITION: _____



D0019

Part 1. Situation Overview

Comment on any factors affecting the employee or the department, which should be borne in mind when examining this review:

Part 2. Achievements

Comment on any specific employee achievements since the last review:

Part 3. Review of the Employee Skills

<i>Area of Review</i>	<i>Below Expectations</i>	<i>Meets Expectations</i>	<i>Exceeds Expectations</i>
A. Getting Things Done			
1. Takes Responsibility for Getting work done.			X
2. Follows up; Completes the job.		X	
3. Finishes the job on time.		X	
4. Organizes own work effectively.		X	
5. Works with minimal supervision.		X	
B. Problem Solving			
1. Knows when to take action without being told.		X	
2. Asks for help as appropriate.		X	
3. Sets appropriate priorities.		X	
4. Stays objective in trying situations.		X	
C. Good Judgement			
1. Understands the Departmental Objectives.		X	
2. Complies with Safety Procedures.		X	
3. Efficiently uses hotel equipment.		X	
4. Controls waste of hotel supplies.		X	
5. Maintains a neat work area.		X	

D. Desire for Excellence			
1. Follows up on details.		X	
2. Does things right the first time.		X	
3. Shows pride in extending service.		X	
4. Strives to meet guest(s) needs.		X	
5. Observes hotel procedures.		X	
6. Demonstrates Taj philosophy & values.		X	

<i>Area of Review</i>	<i>Below Expectations</i>	<i>Meets Expectations</i>	<i>Exceeds Expectations</i>
E. Flexibility			
1. Quickly adapts to changes.		X	
2. Maintains poise and composure.		X	
3. Handles criticism and pressure.		X	
4. Open to the views of others.		X	
5. Handles competing priorities.		X	
F. Team Player			
1. Has dependable attendance.		X	
2. Cooperates with other staff.		X	
3. Understands the Big Picture.		X	
4. Pitches in to help others.		X	
5. Communicates well with co-workers.		X	
G. Interpersonal Skills			
1. Has the trust of co-workers.		X	
2. Shows consideration for others.		X	
3. Is friendly to guests and staff.			X
4. Treats others with respect.		X	
5. Listens to what others have to say.		X	
6. Is fair with others.		X	

H. Specific Job Skills			
1. Knows all parts of the job.		X	
2. Does high quality of work.		X	
3. Consistently meets all standards.		X	
4. Exhibits appropriate grooming.		X	
OVERALL RATING		X	

Part 4. Summary

What are the employees strong points?

- Always willing to work extra.
- GG is very personable with all guests.

What areas need improvement?

Improve Service Consistency for all staff.

Part 5. Career Planning

What other positions, if any appear to be a reasonable next move for this employee?

GG is a strong candidate for the position of Banquet Captain.

Special training required or development planned to help achieve the employee's goals?

Attend Mandatory Training Sessions during Spring 2007, with the intention to improve all Banquet Service Standards.

Part 6: Employee Comments or Suggestions:

EXHIBIT J



The Pier ENTERED
New York

A Taj Hotel

EMPLOYEE DEVELOPMENT REVIEW

NAME: Mario Pardo

SIGNATURE: X ~~Mario Pardo~~ Mario Pardo.

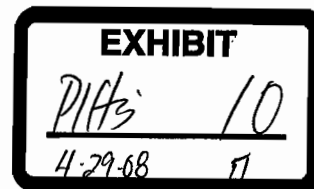
REVIEWING MANAGER: Christopher Edmonds

SIGNATURE: C. Edmonds

DIVISION HEAD: Gerard Madani

DATE OF REVIEW: 2/8/07

TIME IN THIS POSITION: _____



D0068

Part 1. Situation Overview

Comment on any factors affecting the employee or the department, which should be borne in mind when examining this review:

The Banquets department is continuing to build on the increased business for 2007 and is building on expectations due to the renovations in banquets. In respect to the past year, due to the renovations, we lost some business due to the fact that Sales was unable to book due to the pending and completed renovations. We lost some business during the first quarter when guest rooms were tentatively to be renovated and then the banquet rooms when renovations took place during August, the beginning of September and the end of December. The outlook for the future seems excellent with the Plaza still closed and the closing of several other competitors in the immediate area.

We will build on the individual training of each of our staff members in respects to their specific needs and how it will keep up with the core standards for Taj. In turn our associates will learn and grow within the Taj to bettering themselves while providing our guests with exceptional service.

We foresee a very strong future for the banquet department in every aspect. We are very pleased with the renovations, and look forward to the renovations of the guest rooms expecting this to help increase the amount of corporate and group booking and will help bring back some of our old clientele. We are anxious for the overall renovation project for the entire hotel, as it will only help increase our overall revenue.

Part 2. Achievements

Comment on any specific employee achievements since the last review:

Part 3. Review of the Employee Skills

<i>Area of Review</i>		<i>Below Expectations</i>	<i>Meets Expectations</i>	<i>Exceeds Expectations</i>
A. Getting Things Done				
1. Takes Responsibility for Getting work done.				X
2. Follows up; Completes the job.			X	
3. Finishes the job on time.			X	
4. Organizes own work effectively.			X	
5. Works with minimal supervision.				X
B. Problem Solving				

1. Knows when to take action without being told.		X	
2. Asks for help as appropriate.		X	
3. Sets appropriate priorities.		X	
4. Stays objective in trying situations.		X	
C. Good Judgement			
1. Understands the Departmental Objectives.			X
2. Complies with Safety Procedures.		X	
3. Efficiently uses hotel equipment.		X	
4. Controls waste of hotel supplies.		X	
5. Maintains a neat work area.		X	
D. Desire for Excellence			
1. Follows up on details.			X
2. Does things right the first time.		X	
3. Shows pride in extending service.			X
4. Strives to meet guest(s) needs.		X	
5. Observes hotel procedures.		X	
6. Demonstrates Taj philosophy & values.		X	

Area of Review	Below Expectations	Meets Expectations	Exceeds Expectations
E. Flexibility			
1. Quickly adapts to changes.		X	
2. Maintains poise and composure.			X
3. Handles criticism and pressure.		X	
4. Open to the views of others.			X
5. Handles competing priorities.		X	
F. Team Player			
1. Has dependable attendance.		X	

2. Cooperates with other staff.		X	
3. Understands the Big Picture.		X	
4. Pitches in to help others.		X	
5. Communicates well with co-workers.		X	
G. Interpersonal Skills			
1. Has the trust of co-workers.			X
2. Shows consideration for others.		X	
3. Is friendly to guests and staff.		X	
4. Treats others with respect.			X
5. Listens to what others have to say.		X	
6. Is fair with others.		X	
H. Specific Job Skills			
1. Knows all parts of the job.			X
2. Does high quality of work.			X
3. Consistently meets all standards.		X	
4. Exhibits appropriate grooming.		X	
OVERALL RATING		X	

Part 4. Summary

What are the employees strong points?

Mario is the assistant delegate

Has a tremendous amount of knowledge for booking standards and procedures.

Very helpful to management

What areas need improvement?

Improve Service Consistency for all staff.

Being an elder statesman, Mario needs to lend his guidance and influence in directing his coworkers.

Part 5. Career Planning

What other positions, if any appear to be a reasonable next move for this employee?

Special training required or development planned to help achieve the employee's goals?

Attend Mandatory Training Sessions during Spring 2007, with the intention to improve all Banquet Service Standards.

Part 6: Employee Comments or Suggestions:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

EXHIBIT K



ENTERED

The Pierre
New York

A Taj Hotel

EMPLOYEE DEVELOPMENT REVIEW

NAME: Jay Laut

SIGNATURE: 

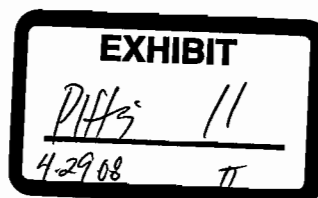
REVIEWING MANAGER: Christopher Edmonds

SIGNATURE: 

DIVISION HEAD: Gerard Madani

DATE OF REVIEW: 2/13/07

TIME IN THIS POSITION: _____



D0115

Part 1. Situation Overview

Comment on any factors affecting the employee or the department, which should be borne in mind when examining this review:

. The Banquets department is continuing to build on the increased business for 2007 and is building on expectations due to the renovations in banquets. In respect to the past year, due to the renovations, we lost some business due to the fact that Sales was unable to book due to the pending and completed renovations. We lost some business during the first quarter when guest rooms were tentatively to be renovated and then the banquet rooms when renovations took place during August, the beginning of September and the end of December. The outlook for the future seems excellent with the Plaza still closed and the closing of several other competitors in the immediate area.

We will build on the individual training of each of our staff members in respects to their specific needs and how it will keep up with the core standards for Taj. In turn our associates will learn and grow within the Taj to bettering themselves while providing our guests with exceptional service.

We foresee a very strong future for the banquet department in every aspect. We are very pleased with the renovations, and look forward to the renovations of the guest rooms expecting this to help increase the amount of corporate and group booking and will help bring back some of our old clientele. We are anxious for the overall renovation project for the entire hotel, as it will only help increase our overall revenue.

Part 2. Achievements

Comment on any specific employee achievements since the last review:

Part 3. Review of the Employee Skills

Area of Review	Below Expectations	Meets Expectations	Exceeds Expectations
A. Getting Things Done			
1. Takes Responsibility for Getting work done.			X
2. Follows up; Completes the job.			X
3. Finishes the job on time.		X	
4. Organizes own work effectively.		X	
5. Works with minimal supervision.		X	
B. Problem Solving			
1. Knows when to take action without being told.		X	
2. Asks for help as appropriate.		X	
3. Sets appropriate priorities.		X	
4. Stays objective in trying situations.		X	
C. Good Judgement			
1. Understands the Departmental Objectives.		X	
2. Complies with Safety Procedures.		X	
3. Efficiently uses hotel equipment.		X	
4. Controls waste of hotel supplies.		X	
5. Maintains a neat work area.			X
D. Desire for Excellence			
1. Follows up on details.		X	
2. Does things right the first time.		X	
3. Shows pride in extending service.			X
4. Strives to meet guest(s) needs.			X
5. Observes hotel procedures.		X	
6. Demonstrates Taj philosophy & values.		X	

<i>Area of Review</i>	<i>Below Expectations</i>	<i>Meets Expectations</i>	<i>Exceeds Expectations</i>
E. Flexibility			
1. Quickly adapts to changes.		X	
2. Maintains poise and composure.			X
3. Handles criticism and pressure.		X	
4. Open to the views of others.		X	
5. Handles competing priorities.		X	
F. Team Player			
1. Has dependable attendance.		X	
2. Cooperates with other staff.		X	
3. Understands the Big Picture.		X	
4. Pitches in to help others.		X	
5. Communicates well with co-workers.		X	
G. Interpersonal Skills			
1. Has the trust of co-workers.		X	
2. Shows consideration for others.			X
3. Is friendly to guests and staff.			X
4. Treats others with respect.		X	
5. Listens to what others have to say.		X	
6. Is fair with others.		X	
H. Specific Job Skills			
1. Knows all parts of the job.		X	
2. Does high quality of work.			X
3. Consistently meets all standards.		X	
4. Exhibits appropriate grooming.		X	
OVERALL RATING		X	

Part 4. Summary

What are the employees strong points?

Jay is currently the banquet delegate.

He is very helpful to his partner and helps when there is a lack of communication on his behalf.

Jay is very considerate and always helps the guests.

What areas need improvement?

Improve Service Consistency for all staff.

Jay needs to lend his experience and say as a delegate to communicate the needs of the management.

Part 5. Career Planning

What other positions, if any appear to be a reasonable next move for this employee?

T.B.D.

Special training required or development planned to help achieve the employee's goals?

Attend Mandatory Training Sessions during Spring 2007, with the intention to improve all Banquet Service Standards.

[illegible]